IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

Crl.Rev.Pet.No. 718 of 1998()

CC.24/1997 of JUDL.MAGISTRATE OF FIRST CLASS-II(FOREST OFFENCES), MANJERI

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REVN. PETITIONER/DEFACTO COMPLAINANT:

K.HAMZA, S/o MOHAMMED KUTTY
KARUMANNIL HOUSE, ADVOCATE,
MALAPPURAM, MALAPPURAM DISTRICT.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS/STATE & ACCUSED:

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1. STATE OF KERALA REPRESENTED BY
   THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

2. ODAKKAL ABDUL RAHIMAN, S/o. MOHAMED,
   VAZHAKAD ROAD, KONDOTTY,
   MALAPPURAM DISTRICT.

3. MOHAMMED ALI, S/o. MOHAMED,
   PALAKAL HOUSE, NEDIYIRIPU AMSOM,
   KURUPATH DESOM, MALAPPURAM DISTRICT.

BY PUBLIC PROSECUTOR SRI.C.M.KAMMAPPU
SRI.T.KRISHNANUNNI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 06/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU,J

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Crl.R.P.No.718 OF 1998

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Dated this the 6th day of March,2007

ORDER

The revision petitioner is the defacto complainant in C.C.No.24/1997 with respect to the offence under Section 448,294 (b),506(i) read with Section 34 I.P.C. The prosecution case is that on 22.03.95 at about 7 p.m., when the defacto complainant was sitting in his drawing room, the accused came over there in a scooter and A1 entered the house which is PHC quarters allotted to the wife of PW1, and threatened him on account of the grouse that the defacto complainant who is a lawyer by profession had defended the case against the Director of a hospital before Consumer Disputes Redressal Forum. PW1 is the aggrieved and PW2 is the wife of PW1. PW3 is a staff of the PHC who came to the house on hearing the commotion she was treated as hostile as she did not identity of the accused. Subsequently, she has stated that she mentioned so erroneously. She is a witness blowing hot and cold and hence her evidence cannot be fully trusted. The court below has discarded the prosecution case as the evidence adduced was not convincing enough and as

certain aspects were not consistent with the version in the complaint filed. It cannot be said that the appreciation of evidence is so perverse or absured so that the revisional jurisdiction is liable to be invoked. I find that there are no grounds to interfere in the findings of the court below so as to remit the matter back for reconsideration. It is also to be noted that the incident had taken place in 1995 and more than a dacade is over.

In the circumstances, the Crl.R.P is dismissed.

K.R.UDAYABHANU,JUDGE

dvs